(46) 11-7-01 MA

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

WILLIAM R. BRANCH,

Plaintiff

CIVIL NO. 1:CV-00-1728

:

V.

~

(Judge Rambo)

FILED HARRISBURG, PA

MR. RUSSIAN, et. al.,

Defendants

NOV 06 2001

ORDER

MARY E. D'ANDREA, CLERK

For the reasons set forth in the accompanying memorandum, IT IS HEREBY

ORDERED THAT:

- 1. Defendant's motion to dismiss (Doc. 28) is **granted**. Defendant Hefferman is dismissed from this action.
- 2. For clerical purposes, this court has previously granted Defendants' motion for enlargement, (Doc. 36), by court order (Doc. 39).
- 3. The Clerk of Court is directed to send a copy of Plaintiff's "mandamus" (Doc. 31) to Defendant Hefferman. Defendant's request for an enlargement of time to respond to the document, if necessary, is denied since it is not necessary for Defendant to respond.

4. Any appeal taken from this order will be deemed frivolous, without probable cause, and not taken in good faith.

VIA RAMBO

United States District Judge

Dated: November 6, 2001.

VITED STATES DISTRICT COURFOR THE MIDDLE DISTRICT OF PENNSYLVANIA

* * MAILING CERTIFICATE OF CLERK * *

Re: 1:00-cv-01728 Branch v. D.O.C. John Does

True and correct copies of the attached were mailed by the clerk to the following:

William R. Branch #CF-3756 SCI-WAYMART P.O. Box 256 Route 6 Waymart, PA 18472-0256

Gwendolyn T. Mosley, Esq.

Office of the Attorney General
Strawberry Sq. 15th Floor
Harrisburg, PA 17120 Fax No.: 717-772-4526

Alan S. Gold Fax

Alan S. Gold, Esq. Monaghan & Gold, P.C. 7837 Old York Road Elkins Park, PA 19027

CC: Judge Magistrate Judge U.S. Marshal Probation U.S. Attorney Atty. for Deft. Defendant Warden Bureau of Prisons Ct Reporter Ctroom Deputy Orig-Security Federal Public Defender (Bankruptcy Court Other___

(**X**) Pro Se Law Clerk () INS () Jury Clerk

MARY E. D'ANDREA, Clerk

DATE: November 6th, 2001

Dans